THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 22892 OF 2005

Dated: 25.10.2005

Between

Smt. Chinnamma, W/o. Peddulu, Occ: House Wife, R/o. Kamalkote, Mandal Mamada, Adilabad District.

...PETITIONER

AND

The Election Officer, Primary Agricultural Cooperative Society, Mamada Village and Mandal, Adilabad District and another.

...RESPONDENTS

ORDER:

Petitioner states that she is neither a defaulter nor incurred any disqualification to contest to the post of Member of Ward No.7, Primary Agricultural Cooperative Society Mamada Village and Mandal, Adilabad District. But her nomination filed on 18.10.2005 was illegally rejected on 19.10.2005 on the ground that though the petitioner availed loan of Rs.25,000/- and there are no dues as on the date of scrutiny her husband availed term loan for the purpose of minor irrigation and he committed default in payment of certain amounts.

Admittedly, the petitioner is not co-executant for her husband and therefore, it cannot be said that the petitioner committed default in payment of certain amounts. Under Section 21(A) of the Andhra Pradesh Co-operative Society Act, 1964, if any person is in default in the payment of any amount to the society such person is not eligible for being chosen as,

and for being, a member of the committee.

The wife of the person cannot be included and meant as defaulter,

as husband is an individual entity to treat him as a member of the society. Therefore, for the alleged dues of the husband, the wife cannot be treated as defaulter.

Accordingly, the rejection order rejecting the nomination of the petitioner is set aside and the nomination of the petitioner to contest as a Member for Ward No.7 of Primary Agricultural Cooperative Society, Mamada may be treated as a valid nomination and elections may be conducted for Ward No.7, PACS, Mamada.

The writ petition is accordingly allowed.

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V. ESWARAIAH, J

October 25, 2005

DSK